

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

Stevy Carothers et al
on behalf of themselves and others similarly
situated,

Plaintiffs

vs.

United Furniture Industries Incorporated, an
Ohio corporation; United Furniture CA, Inc., a
Mississippi Corporation; United Furniture
Industries NC, LLC, a Mississippi limited
liability company; Larry George; Douglas
Hanby

Case No.: 1:13-cv-00203-DMB-DAS

Defendants

MOTION FOR AWARD OF ATTORNEYS' FEES AND COSTS

1. Plaintiffs provide the memorandum in support of this motion and affidavit of Trey Dayes and move the Court to approve attorneys' fees and costs in this matter in the amount of \$594,000, which represents \$580,831.22 in fees and \$13,168.78 in costs.
2. Defendants have reviewed the motion and have no objection to the Court granting the motion in its full extent.
3. Plaintiffs' request is fully supported by the factors that courts consider in determining the reasonableness of attorneys' fee awards in such cases including all the *Johnson* factors.
4. The lodestar cross check also is satisfied in this matter, as the cross check yields an exceedingly low multiplier of 1.228.
5. "Reasonable costs and expenses incurred by an attorney who creates or preserves a common fund are reimbursed proportionately by those class members who benefit from the settlement." citing *Mills v. Electric Auto-Lite Co.*, 396 U.S. 375, 391-392, 90 S. Ct. 616, 24 L. Ed. 2d 593 (1970).

6. To date, counsel has incurred out-of-pocket expenses totaling \$13,168.78, primarily to cover expenses related to legal research, investigation, discovery, travel, service of process on multiple defendants, and administrative costs such as copying, mailing, and messenger expenses. These out-of-pocket costs were necessary to secure the resolution of this litigation.
7. Based on the foregoing, counsel respectfully requests the Court award attorney's fees and costs in the amount of \$594,000, which represents \$580,831.22 in fees and \$13,168.78 in costs.
8. As Defendants do not object to this fee request, a proposed form of order is filed herewith.
9. Plaintiffs rely on the affidavit of Trey Dayes and the memorandum in support of this motion being filed concurrently herewith.

Dated: December 23, 2014

Respectfully submitted,

By /s/ "Trey" A.R. Dayes III
"Attorney for Plaintiffs
Arizona Bar Number 020805
/s/ Jason Nabors
Local Counsel for Plaintiffs
Mississippi Bar Number 101630

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CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2014, 2014 I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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By s/Trey Dayes
 Trey Dayes